



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,334	05/04/2006	Kyung-Goo Kang	1599-0326PUS1	5694
2292 7590 04/08/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER NGUYEN, THUY-AI N				
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE		DELIVERY MODE		
04/08/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on March 18, 2009 have been fully considered but they are not persuasive.

Responding to the applicant argument of the rejection of claims 1- 26:

According to the applicant's argument of claim 1, Vogt discloses a composition which is substantially free of water in which the water content is less than 0.5 percent as being disclosed in the examples. However, Vogt also disclose that the composition can be diluted with water to have emulsion form (col. 6: 20- 25) or to be a microemulsion composition (col. 8: see claims 36 and 39) which is the same with the claimed invention (claim 24). Therefore, having a major amount of water within the range as set forth by the applicant to obtain a microemulsion composition is obvious in the teaching of Vogt.

According to the MPEP 2112.01, II, because Vogt's composition has the same components as the claims (see the rejection), Vogt's composition should achieve the same characteristic including stability characteristic with all the claimed ingredients. If this would not be the case, (1) it is the applicant's position to provide evidence to support the applicant's position; and (2) it would be the Office's position that the application contains inadequate disclosure that there is no teaching as to how to obtain the claimed properties with only the claimed ingredients.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THUY-AI N. NGUYEN whose telephone number is (571)270-3294. The examiner can normally be reached on Monday-Friday: 8:30 a.m. - 5:00 p.m. eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James J. Seidleck/
Supervisory Patent Examiner, Art Unit 1796

THA